a Power Struggle

By LESLIE H. GELB
Special to The New York Times

WASHINGTON, June 25 — Senator Henry M. Jackson and Secretary of State Kissinger have spent the last few days trading charges and denials over what seemed to be misunderstandings and technicalities connected with the 1972 missile-limitation agreement.

News Analysis

Above the public arguments, however, at least in the eyes of many of the participants, hover the kinds of deeper conflicts, confusion and just plain politics that move and shake Washington.

On the surface, the issue was whether Mr. Kissinger had made two secret arrangements with Soviet leaders that could be interpreted as allowing Moscow more nuclear missiles and binding Washington to fewer missiles than stipulated by the agreement.

Neither side argued that Moscow was likely to take advantage of a loophole, if one existed. Neither said that either arrangement had military significance; both sides already have thousands of nuclear warheads and missiles.

But simmering just below the argument over the issues was a deeper philosophical and political struggle between Secretary Kissinger and his supporters and Senator Jackson and his. Philosophically, they disagree on how to improve relations with Moscow. Politically, Senator Jackson's ambitions clash with the secretive style of Secretary Kissinger's diplomacy.

How the Stage Was Set

The dispute itself was set off by Administration officials who were not given information or a voice in their area of responsibility. In frustration, they went to Senator Jackson and to the press, leaping to the claim that Congress had not been properly notified about the secret transactions. Almost inevitably, confusion and doubt resulted, and the problem was compounded further by this city's atmosphere of suspicion, generated by Watergate, under which everybody puts the worst construction on the motives of others.

How did it all happen? These were the events and the elements, according to aides of the Secretary and the Senator:

President Nixon and Leonid I. Brezhnev met in Moscow in May, 1972, to put the finishing touches on two agreements and to sign them. One was a treaty to limit defensive missile systems. The other was an interim agreement, expiring in 1977, to limit offensive missiles.

The problems on the defensive missile treaty were worked out but, in the opinion of the regular American negotiating team, one issue in the interim agreement remained unresolved.

The negotiators told Mr. Kissinger that the protocol on submarine-launched missiles was ambiguous. It could be interpreted, they said, as allowing the Russians to retire old land-based submarine missiles and replace them with about 70 additional modern missiles above the limit of 950 prescribed [illegible] of the agreement.

Rush-to-Accord Is Seen

Mr. Kissinger assured the negotiators that he and the Soviet leaders had resolved this question. The total of 950 missiles would include any modernization, he said.

Senator Jackson and a number of officials belive that this should have been made clear in the agreement itself. In the rush to sign, they feel, "small matters" were brushed aside.

Mr. Nixon and Mr. Kissinger also told Soviet leaders that Washington would not exercise the option in the agreement—to increase the number of American submarine missile-launchers from 656 to 710 by retiring 54 older land-based launchers. There was no program or desire to do so.

The President and his party returned to Washington; the treaty and the agreement were submitted to Congress, as required by law. Normally an executive agreement would not have to go to Congress, but there is an exception for agreements dealing with limitation of nuclear arms.

Mr. Kissinger did not believe that there was any ambiguity about submarine missiles. Those Administration officials who would testify before Congressional committees on the missile agreements were instructed by the Secretary accordingly.

Witnesses Didn't Know

The Administration officials understood that there were no plans to exercise the option to build 710 submarine launchers, though Mr. Kissinger did not tell them of the President's pledge to that effect. And so, in testifying, the officials said nothing to Congress about any ambiguity in the agreement, nor could they say anything about the President's pledge.

During this period of Congressional testimony in June, 1972, Mr. Kissinger held a high-level Administration meeting on nuclear arms. A number of the participants asked him to formally resolve what they still considered to be an ambiguity, and he agreed to do so.

A memorandum—in diplomatic language, an "agreed clarification"—was drafted by Mr. Kissinger's National Security Council staff and presented to Soviet officials for acceptance. For weeks, the Russians resisted, insisting that they could build the 70 additional launchers, but finally, on July 24, Mr. Kissinger and the Soviet Ambassador, Anatoly F. Dobrynin, signed the memorandum.

Only a small circle of officials saw the memorandum, Mr. Kissinger's aides said that its circulation was limited because there was some question whether a Presidential adviser (Mr. Kissinger was not yet Secretary of State) and an ambassador had the power to sign such a document. Mr. Jackson's aides saw it as a cover-up.

Nothing was said to the Congress about the memorandum because, as Mr. Kissinger explained yesterday, it merely confirmed what Congress had already been told. . . .

Almost a year later in Geneva, the American delegation to the strategic arms talks found out about the memorandum from the Soviet delegation. There was little concern because the Russians were not arguing then that they could build the additional launchers.

On July 24, 1973, a year after the memorandum was signed, it was distributed to the Secretaries of State and Defense and other senior officials.

When some Pentagon officials read it, they began to worry. If Mr. Kissinger had been keeping this memo secret from them, what else didn't they know about? One point of the memo, they believed, might be interpreted in such a way that the Russians could argue that the old loophole was not closed.

The Pentagon officials asked that the loophole be closed and this was agreed to.

Jackson, Press Get Word

Somewhat later, Pentagon and other officials began to hear rumors about "a Presidential pledge." They did not know the exact language of the pledge, and they were worried because another round of arms talks with the Russians was then going on.

It was these officials who went to Senator Jackson and the press. At the same time, Paul H. Nitze, the top Pentagon member of the American delegation to the arms talks, resigned and told his story to one of Mr. Jackson's subcommittees.

The account was printed. Senator Jackson promptly said he wanted to know why Congress had not been told about the original ambiguity, about the memo, about the Presidential pledge.

Last Saturday, the same day the article was printed, Senator Jackson and The New York Times received another piece of information: The loophole had been closed in Geneva last Tuesday. In fact, it had been negotiated several months ago, according to Mr. Kissinger's aides.

To the Senator, it looked like a cover-up at the last minute. But to Secretary Kissinger and his aides, all of the charges were preposterous. Not any ground. The public got some even the Russians, they said, insight into the complicated were arguing that a loophole maneuverings of big-power diexisted, and the Presidential plomacy, however, and an pledge was not necessarily even clearer view of what this binding if the agreement was city is like in the middle of a extended. power struggle.

since the latest Kissinger-Jackson clash began. Neither man, as is usual when titans do battle in Washington, has given

Nixon in Brussels for NATO's 'Showpiece Summit'

By Murrey Marder
Washington Post Staff Writer

BRUSSELS, June 25—President Nixon arrived here tonight en route to Moscow with White House officials hailing his Middle East and Soviet trips as evidence that Watergate has not sapped his administration's potency in world diplomacy.

The President and his official party received a full formal welcome from Belgium's King Baudouin and Queen Fabiola in a prelude to Wednesday's ceremonial meeting of the 15-nation North Atlantic Treaty Organization, meant to be a display of Western unity before the Moscow summit. Europeans are calling the gathering of NATO government leaders "a showpiece summit."

Aboard Air Force 1 on the flight across the Atlantic a senior White House official, who could not be identified under the ground rules, sought to dispel any impression that yesterday's clash in Washington about an alleged "loophole" in the Soviet-American nuclear accord at the 1972 Moscow summit could hamper the administration's efforts in further nuclear negotiations in Moscow later this week.

U.S. Secretary of State Henry A. Kissinger, came out of that dispute with Sen. Henry M. Jackson (D-Wash.) with Kissinger denying, and Jackson insisting, that there was such a loophole in the ceiling on Soviet missile firing submarines.

The White House official acknowledged today that what he described as a clarifying agreement between the United States and the Soviet Union was initialed last week. Other sources said the initialing took place on Jan. 13 in Moscow.

This high administration official minimized the importance of the new "clarification," describing it as tightening up a lot of language on some 20 subjects affected by the 1972 nuclear accord. The official said this work was done by what he called eighth-level technicians.

The Soviet Union, the official said, has not made a claim that there was a loophole since the negotiations between Kissinger and Soviet Ambassador Anatoliy Dobrynin in the summer of 1972, in which the Soviet Union did attempt to expand the definition that Kissinger said had been agreed to at the summit, Jackson said the Russians had tried to stretch their ceiling of 950 modern submarine-launched missiles to 1,020 by modernizing older diesel submarines.

Still, by confirming that the Nixon administration thought it advisable to tighten language on this dispute as recently as last week, the official was acknowledging sensitivity to Jackson's charge.

The official also acknowledged that Paul Nitze, the Pentagon's senior nuclear negotiator, and other members of the U.S. negotiating team had not been told of the Kissinger-Dorbrynin clarifying interpretation of June 1972 at the time.

The official said that he has high regard for Nitze, who resigned his post this June 14, and understands that negotiators do not like this kind of practice. But, he asked, if Nitze was so disturbed, "Why didn't he come to us?" Nitze testified before the Jackson subcommittee just before the first disclosure of the dispute last week.

Jackson said yesterday that what disturbed him most about the incident was "withholding . . . a secret agreement" from the Congress and the American people.

The senator's remarks carried the clear implication that any agreements emerging from the impending Moscow summit will be subject to intense scrutiny, along with Kissinger's interpretation of them. This marks the most potentially damaging congressional challenge so far to Kissinger's policies. Despite Kissinger's unusually high prestige in Congress, the Watergate and impeachment controversies have heightened skepticism on the Hill.

The White House official aboard the President's plane told newsmen that although Watergate represents an attack on the central authority of the U.S. government, "We turned around the whole Middle East in the middle of Watergate. It is to the interest of the President's successors in 1977 that they inherit this kind of [activist] foreign policy." He said the Russians realize that if the process of relaxation of tensions is arrested, it will be hard to revive.

"If we did not go to the summit," he said, "we would be saying we are not a functioning government."

At another point, speaking of the President, the official said "history would never forgive him" if he failed to pursue all avenues of detente diplomacy. Kissinger has previously expressed this view.

The possibility was raised today that Kissinger may return to Moscow some time after the summit talks for further negotiations on nuclear weaponry.

It is impossible, a White House official said today, for a permanent nuclear strategic arms limitation accord to emerge from this summit meeting.

According to a variety of other sources, the limited agreements that may emerge from the Moscow talks include a range of unspectacular subjects in the nuclear area, in addition to a partial ban on underground nuclear testing.

The probable accords encompass a Soviet-American agreement to limit nuclear defensive antiballistic missile sites to one each for the United States and the Soviet Union, instead of the two sites each authorized at the 1972 summit. This would limit American ABMs to the Grand Forks, N.D., region with Soviet ABMs limited to those now around Moscow.

In addition, a signing of the broad accord mentioned today by the White House official for implementing the 1972 agreements is anticipated. Another prospective accord would be a Soviet-American ban on military uses of weather modification technology. This long-secret American practice proved ineffective against Communist forces in Indochina.

An exchange of nuclear technology for peaceful uses also has been readied for the summit, in addition to other accords in energy cooperation, health, science and a 10-year "umbrella" accord on Soviet-American trade.